

108TH CONGRESS
1ST SESSION

H. R. 1253

To amend the Endangered Species Act of 1973 to establish special requirements for determining whether the Preble's meadow jumping mouse is an endangered species or threatened species.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2003

Mr. TANCREDO introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to establish special requirements for determining whether the Preble's meadow jumping mouse is an endangered species or threatened species.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Common Sense
5 Preble's Conservation Act”.

1 **SEC. 2. SPECIAL REQUIREMENTS REGARDING PREBLE'S**
2 **MEADOW JUMPING MOUSE.**

3 (a) IN GENERAL.—Section 13 of the Endangered
4 Species Act of 1973 is amended to read as follows:

5 “SPECIAL REQUIREMENTS REGARDING PREBLE’S
6 MEADOW JUMPING MOUSE

7 “SEC. 13. (a) USE OF BEST SCIENTIFIC AND COM-
8 Mercial DATA AVAILABLE.—In any case in which the
9 Secretary is required by this Act to use the best scientific
10 and commercial data available with respect to determining
11 whether the Preble’s meadow jumping mouse is an endan-
12 gered species or a threatened species, the Secretary—

13 “(1) in evaluating comparable data, shall give
14 greater weight to scientific or commercial data that
15 are empirical or have been field-tested or peer-re-
16 viewed; and

17 “(2) shall include, in data used with respect to
18 that species, data regarding population numbers of
19 the species.

20 “(b) FIELD DATA.—

21 “(1) REQUIREMENT.—The Secretary may not
22 determine under section 4 that the Preble’s meadow
23 jumping mouse is an endangered species or a threat-
24 ened species unless the determination is supported
25 by data obtained by observation of the species in the
26 field.

1 “(2) DATA FROM LANDOWNERS.—The Sec-
2 retary shall—

3 “(A) accept and acknowledge receipt of
4 data regarding the status of that species that is
5 collected by an owner of land through observa-
6 tion of the species on the land; and

7 “(B) include the data in the rulemaking
8 record compiled for any determination that the
9 species is an endangered species or a threatened
10 species.

11 “(c) INDEPENDENT SCIENTIFIC REVIEW REQUIRE-
12 MENTS.—

13 “(1) DEFINITIONS.—In this subsection:

14 “(A) ACTION.—The term ‘action’ means—

15 “(i) the determination that the
16 Preble’s meadow jumping mouse is an en-
17 dangered species or a threatened species
18 under section 4(a); and

19 “(ii) the determination under section
20 4(a) that the Preble’s meadow jumping
21 mouse should be removed from any list
22 published under section 4(c)(1).

23 “(B) QUALIFIED INDIVIDUAL.—The term
24 ‘qualified individual’ means an individual with
25 expertise in the biological sciences—

1 “(i) who through publication of peer-
2 reviewed scientific literature or other
3 means, has demonstrated scientific exper-
4 tise on the Preble’s meadow jumping
5 mouse or a similar species or other sci-
6 entific expertise relevant to the decision of
7 the Secretary under section 4(a) or (f);

8 “(ii) who does not have, or represent
9 any person with, a conflict of interest with
10 respect to the determination that is the
11 subject of the review;

12 “(iii) who is not a participant in any
13 petition or proposed or final determination
14 before the Secretary; and

15 “(iv) who has no direct financial in-
16 terest, and is not employed by any person
17 with a direct financial interest, in opposing
18 the action under consideration.

19 “(2) LIST OF INDEPENDENT SCIENTIFIC RE-
20 VIEWERS.—The Secretary shall solicit recommenda-
21 tions from the National Academy of Sciences and
22 develop and maintain a list of qualified reviewers to
23 participate in independent scientific review of ac-
24 tions.

1 “(3) APPOINTMENT OF INDEPENDENT SCI-
2 ENTIFIC REVIEWERS.—(A) Before any action shall
3 become final, the Secretary shall appoint randomly,
4 from among the list prepared in accordance with
5 this section, 3 qualified individuals who shall review
6 and report to the Secretary on the scientific infor-
7 mation and analyses on which the proposed action is
8 based.

9 “(B) The selection and activities of the review-
10 ers selected pursuant to this section shall not be
11 subject to the Federal Advisory Committee Act (5
12 U.S.C. App.).

13 “(C) Reviewers shall be compensated for con-
14 ducting the independent review.

15 “(4) OPINION OF PEER REVIEWERS.—Inde-
16 pendent reviewers shall provide the Secretary, within
17 3 months, their opinion regarding all relevant sci-
18 entific information and assumptions relating to the
19 taxonomy, population models, and supportive biologi-
20 cal and ecological information for the Preble’s mead-
21 ow jumping mouse.

22 “(5) FINAL DETERMINATION.—If the referees
23 have made a recommendation on a proposed action,
24 the Secretary shall evaluate and consider the infor-

1 mation that results from the independent scientific
2 review and include in the final determination—

3 “(A) a summary of the results of the inde-
4 pendent scientific review; and

5 “(B) in a case in which the recommenda-
6 tion of a majority of the referees who conducted
7 the independent scientific review is not followed,
8 an explanation as to why the recommendation
9 was not followed.

10 “(6) PUBLIC NOTICE.—The report of the peer
11 reviewers shall be included in the official record of
12 the proposed action and shall be available for public
13 review prior to the close of the comment period on
14 the proposed action.”.

15 (b) CONFORMING AMENDMENT.—The table of sec-
16 tions in the first section of such Act is amended by strik-
17 ing the item relating to section 13 and inserting the fol-
18 lowing:

“Sec. 13. Special requirements regarding Preble’s meadow jumping mouse.”.

